For the Northern District of California

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WAYNE D. WINCHESTER,) No. C 10-04391 JF (PR)
Petitioner,	ORDER OF TRANSFER
vs.))
PEOPLE OF THE STATE OF CALIFORNIA,)))
Respondent.	ý)

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the 2009 Board of Prison Terms' decision finding him unsuitable for parole. Petitioner is currently confined at the California Men's Colony - East in San Luis Obispo, California. The prison is located within the venue of the Western Division of the Central District of California. 28 U.S.C. § 84(c)(2).

Venue in a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir.

1989). Accordingly, this case is TRANSFERRED to the United States District
Court for the Central District of California, the location of Petitioner's confinement
See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). In light of this transfer, the
Court will defer Petitioner's motion for leave to proceed in forma pauperis, (Docket
No. 4), and motion for appointment of counsel, (Docket No. 6), to the Central
District.

The Clerk shall terminate any pending motions and transfer the entire file to the Western Division of the Central District of California.

IT IS SO ORDERED.

DATED: _____

United States District Judge

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

WAYNE D WINCHESTER,	Case Number: CV10-04391 JF
Petitioner,	CERTIFICATE OF SERVICE
v.	
STATE OF CALIFORNIA,	
Respondent.	
I, the undersigned, hereby certify that I am an Court, Northern District of California.	n employee in the Office of the Clerk, U.S. District
attached, by placing said copy(ies) in a posta	e in the U.S. Mail, or by placing said copy(ies) into
Wayne D. Winchester D-99680 California Men's Colony P.O. Box 8101 Cell #5388C San Luis Obispo, CA 93409	
Dated:	
	Richard W. Wieking, Clerk